

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
FLORAMO PARTNERS, INC.,) CASE NO. 10-24886 JPK
) Chapter 11
Debtor.)

ORDER DISMISSING JOINT MOTION FOR RELIEF FROM
STAY AND ABANDONMENT OF REAL ESTATE ("JOINT MOTION")
WITHOUT PREJUDICE

The Joint Motion was filed on March 1, 2011 by entities designated as U.S. Bank National Association, as Trustee; the Treasurer of Porter County, Indiana; and the Receiver of the Falling Waters Conservancy District. The Joint Motion was accompanied by a form of "drop dead" notice in the nature of that provided for by N.D.Ind.L.B.R. B-2002-2.

A motion for relief from the automatic stay initiates a contested matter pursuant to Fed.R.Bankr.P. 9014, sub-paragraph (c) of which designates certain Federal Rules of Bankruptcy Procedure which apply in contested matters. Significantly absent from the designation of incorporated provisions is Fed.R.Bankr.P. 7020 (which incorporates Fed.R.Civ.P. 20). Fed.R.Civ.P. 20 is the only Federal Rule of Civil Procedure which allows multiple persons to join as plaintiffs in a single action. As a result of the foregoing, multiple persons/entities may not join as moving parties in a contested matter.¹

IT IS ORDERED that the Joint Motion is dismissed, without prejudice.²

Dated at Hammond, Indiana on March 17, 2011.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor, US Trustee, Attorneys for Movants

¹ Because the Joint Motion is dismissed, the court will not address the inappropriate use of a "drop dead" notice with respect to a motion for stay relief in a Chapter 11 case: N.D.Ind.L.B.R. B-2002-2 allows that form of notice to be used only with respect to such motions filed in a Chapter 7 case.

² It is suggested that the joint movants coordinate the filing of their several motions – if indeed the same is effected – so that hearings on each of those motions can be scheduled concurrently.